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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/664,238	06/07/96	LUDWIG	L VCOR-001/06U

LM02/0216
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EXAMINER	
ART UNIT	PAPER NUMBER

2757 29
DATE MAILED: 02/16/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on CPA 11-12-99 & Amended filed 1-27-00

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 2-10, 12-47 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 2-10, 12-47 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☒ The proposed drawing correction, filed on 1-27-00 is ☐ approved ☒ disapproved.
☒ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2, 27
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

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DETAILED ACTION

The proposed drawing correction filed on 1-27-2000 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

The preliminary amendment filed 1-27-2000 was not entered. A substitute specification excluding claims is required pursuant to 37 CFR 1.125(a) because the changes to the specification are too numerous.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

The following rejection is a repeat of office action paper #24.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10, 25, and 12-16 are rejected under 35

U.S.C. 103(a) as being unpatentable over Biswas et al.

"Distributed Scheduling of Meetings: A Case Study in Prototyping Distributed Applications" and further in view of the Etherphone system as disclosed by Rangan "Software Architecture for Integration of Video Services in the Etherphone System" and Vin "Multimedia conferencing in the Etherphone Environment".

As per claim 2, Biswas discloses a distributed meetings application wherein the system is configured to associate a participant with only each workstation at which the participant logs in and to route and display meeting information to the workstation at which that participant is logged in [see p.661 col.2 3rd paragraph]. Biswas does not teach a teleconferencing system with AV path for video/audio, AV conference manager, etc.

Rangan discloses the Etherphone is a teleconferencing system comprising:

workstations having audio and video reproduction capabilities
[Rangan p.1396 fig.1];

AV path for carrying AV signals [fig.1];

AV conference manager [p.1397 Macaw];

a participant locator [apparent from p.1398 "if a participant moves to new location, Macaw reroutes ... to new location"].

Rangan does not specifically disclose the system is configured to associated a participant with only each workstation at which the participant logs in. Rangan discloses that a connection is establish by a connect command having a participant ID parameter [p.1397 col.2 last paragraph].

It would have been obvious for one of ordinary skill in the art to use a teleconferencing system such as the Etherphone system together with Biswas because it would have enable integration video services with distributed computing and multimedia teleconferencing and collaboration [Rangan p.1395 col.1, p.1403 col.2].

As per claim 25, it is rejected under similar rationale as for claim 2 above.

As per claims 3 and 12-13, Rangan and Vin do not specifically disclose a service directory of the workstation audio video capability. Vin discloses the Etherphone system support

conferencing using common capabilities or mixed capabilities by determining audio video capabilities of the workstations [p.72 col.3]. Hence, it would have been obvious or one of ordinary skill in the art to have directory for determining audio, video capabilities of the workstation participating in the conference.

As per claim 4, Rangan disclose switches to establish teleconference between participants [p.1396 fig.1 "Matrix switch"]. The number of switches and participant supported would have been a matter of design choice. It would have been obvious for one of ordinary skill in the art to have the appropriate number of switches to support a desired number of participants.

As per claim 5, Rangan does not disclose Wide Area network (WAN) switches. However it is well known in the art to have WAN switches (gateway) for connecting workstations over geographically dispersed locations.

As per claim 6, it is rejected under similar rationale as for claim 3 above.

As per claim 7, it is apparent that the conference manager would choose reproduce devices based on availability.

As per claims 8-9, Rangan discloses user interface art to provide user selecting capability of reproduction devices [p.1397 col.1 last paragraph].

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As per claims 10 and 15, the reference does not specifically disclose format conversion. However it is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in the art to have converter for converting the AV format.

As per claim 14, Rangan disclose interfacing to external video production device [p.1396 fig.1 Optical disc].

As per claim 16, the Etherphone system has digital data path [Ethernet].

Claims 17, 19-20, 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Biswas et al. and the Etherphone system as disclosed by Rangan and Vin above and further in view of Champa US patent 5,315,633.

As per claim 17, Rangan and Vin do not disclose codecs and AV switch for routing signal from first to second location via a third location.

Champa teaches a teleconferencing system comprising:

an AV path [fig.4 # 45] for carrying AV signals, connecting the first workstation [fig.4] to a second work station [another station as in fig.4] via a third location [control hub fig.5, see col.7 lines 34-40];

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first, second codecs [fig.4 #41], and third codecs [fig.5 #76] at said first, second and third locations configured to compress AV signal;

an AV switch [fig.5 switch #57] at the third location operable to route compressed AV signals to other locations without said compressed AV signals being decompressed by said third codec [apparent from col.6 and fig.5 - from fig.5, it is clear that the third codec (76) only code/decode signal for the link 75. All other signal would pass through the switch untouched by the codec 76].

It would have been obvious for one of ordinary skill in the art to combine Champa teaching with the EtherPhone system because it would have improved the system by enabling conference over wide area network.

As per claim 19 and 20, the frames rate are inherent characteristic of the system. The particular frame rate would have been a matter of design choice depending upon the quality of video playback required.

As per claim 21, it is rejected under similar rationales as for claim 17 above.

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Claims 18, 22-24, 26-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Biswas et al. and the Etherphone system and Champa above, and further in view of IBM Technical Disclosure Bulletin Vol.34, no.7a, Dec. 1991.

As per claim 18, Champa does not specifically disclose a data conference manager using network protocol to control the video conference. IBM disclosure teaches a data conference manager [Conference server] controlling video conference [tuners, Rfmod, Codec] using data network [LAN]. Hence, It would have been obvious for one of ordinary skill in the art to have data manager using network protocol to control AV conference because it would have enable integration of data and AV conferences.

As per claim 22, it is rejected under similar rationales as for claim 18 above.

As per claims 23-24 they are rejected under similar rationales as for claims 19-20 above.

As per claims 26, it is rejected under similar rationales as for claims 2+16+18 above.

As per claim 27, it is rejected under similar rationale as for claim 4 above.

As per claim 28, it is well known in the art to have WAN switches (gateway) for connecting workstations over geographically

dispersed locations. Champa teaches geographic dispersed switch and AV path over Wide Area Network [fig.5 T1 line 79 and Trans Ocean line 83].

As per claim 29, Rangan teaches Etherphone system having an AV switch [fig.1 Matrix switch] for receiving and routing AV signal;

AV reproduction device with audio/video capabilities. [apparent from fig.1];

a directory of AV reproduction device and its associated capabilities [apparent from p.1397 col.2].

As per claim 30, Vin discloses the Etherphone system having AV conference manager select the AV reproduction device according to capabilities [p.27 col.3].

As per claim 31, Rangan discloses external video producing device [p.1396, fig.1].

As per claim 32, Rangan discloses user interface art to provide user selecting capability of reproduction devices [p.1397 col.1 last paragraph].

As per claim 33, the reference does not specifically disclose supporting different signal format standard. It is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in

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the art to have converter for converting the AV format and support plural signal format standard.

As per claim 34, the Etherphone system has digital data path [Ethernet];

As per claim 35, Rangan discloses managing the video conference by communication over the data path [apparent from p.1397-1398]. The IBM TDB v.34 teaches controlling the video conference by communication transmitted over the data path [p.337 lines 10-17].

As per claim 36, it is rejected under similar rationale for claim 17 above.

As per claims 37-38, the frames rates are inherent characteristic of the system. The particular frame rate would have been a matter of design choice depending upon the quality of video playback required.

As per claims 39, it is rejected under similar rationales as for claims 2+16+18 above.

As per claim 40, Vin discloses the Etherphone system having AV conference manager select the AV reproduction device according to capabilities [p.27 col.3].

As per claim 41, Rangan discloses the Etherphone system having AV reproduction device [fig.1 Optical disk] and selecting reproduction service to the workstation.

As per claim 42, it is apparent that there is an interface between the AV conference manager and the reproduction device.

As per claim 43, the reference does not specifically disclose supporting different signal format standard. It is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in the art to have converter for converting the AV format and support plural signal format standard.

As per claim 44, Champa teaches compressing AV signal, receiving AV signal at a third location [switch in fig.5] and routing to the second location without decompressing at the third location.

As per claim 45, Rangan disclose managing the video conference by communication over the data path [apparent from p.1397-1398]. The IBM TDB v.34 teaches controlling the video conference by communication transmitted over the data path [p.337 lines 10-17].

As per claims 46-47, the frames rates are inherent characteristic of the system. The particular frame rate would

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have been a matter of design choice depending upon the quality of video playback required.

This is a continue prosecution Application with no formal response to the rejection (office paper #24). All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

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(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in cursive script, appearing to read "Dung Dinh", is written over a horizontal line.

Dung Dinh
Primary Examiner
February 9, 2000